



General Assembly

February Session, 2010

Raised Bill No. 293

LCO No. 1476

01476_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

***AN ACT PROVIDING CERTAIN ADULT ADOPTED PERSONS WITH
ACCESS TO PARENTAL HEALTH INFORMATION AND INFORMATION
IN THEIR ORIGINAL BIRTH CERTIFICATES.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 45a-751b of the 2010 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2011*):

4 (a) [If] Except as provided in subsection (c) of this section, if parental
5 rights were terminated on or after October 1, 1995, any information
6 tending to identify the adult adopted or adoptable person, a biological
7 parent, including a person claiming to be the father who was not a
8 party to the proceedings for the termination of parental rights, or adult
9 biological sibling shall not be disclosed unless written consent is
10 obtained from the person whose identity is being requested.

11 (b) (1) [If] Except as provided in subsection (c) of this section, if
12 parental rights were terminated on or before September 30, 1995, (A)
13 any information tending to identify the biological parents, including a
14 person claiming to be the father who was not a party to the

15 proceedings for the termination of parental rights, shall not be
16 disclosed unless written consent is obtained from each biological
17 parent who was party to such proceedings, except as provided in
18 subdivision (2) of this subsection, and (B) identifying information shall
19 not be disclosed to a biological parent, including a person claiming to
20 be the father who was not a party to the proceedings for the
21 termination of parental rights, without the written consent of each
22 biological parent who was a party to such proceedings and the consent
23 of the adult adopted or adoptable person whose identity is being
24 requested.

25 (2) [On] Except as provided in subsection (c) of this section, on and
26 after October 1, 2009, information tending to identify a biological
27 parent who is subject to this subsection may be disclosed to an
28 authorized applicant if the biological parent whose information is to be
29 disclosed provides written consent, provided the child-placing agency
30 or department attempts to determine the whereabouts of the other
31 biological parent and obtain written consent from such other biological
32 parent to permit disclosure of such information in the manner
33 permitted under subdivision (1) of this subsection. If such other
34 biological parent cannot be located or does not provide such written
35 consent, information tending to identify the biological parent who has
36 provided written consent may be disclosed to an authorized applicant,
37 provided: (A) Information tending to identify the other biological
38 parent shall not be disclosed without the written consent of the other
39 biological parent, and (B) the biological parent whose information is to
40 be disclosed signs an affidavit that such parent shall not disclose any
41 information tending to identify the other biological parent without the
42 written consent of the other biological parent.

43 (c) Regardless of the date parental rights were terminated, any adult
44 adopted person whose adoption was finalized on or after October 1,
45 2011, and for whom a new certificate of birth was established on or
46 after said date pursuant to section 7-53, as amended by this act, or if
47 such person is deceased, an authorized applicant, as defined in

48 subparagraph (D) of subdivision (3) of section 45a-743, may apply for
49 and receive a copy of (1) the person's sealed original birth certificate or
50 record pursuant to section 7-51, as amended by this act, and (2) any
51 contact preference form attached to the sealed original birth certificate
52 or record pursuant to section 7-51, as amended by this act. Nothing in
53 this subsection shall be construed to limit such person's or authorized
54 applicant's access to information pursuant to this part.

55 ~~[(c)]~~ (d) If the whereabouts of any person whose identity is being
56 sought are unknown, the court shall appoint a guardian ad litem
57 pursuant to subsection (c) of section 45a-753.

58 ~~[(d)]~~ (e) When the authorized applicant requesting identifying
59 information has contact with a biological sibling who is a minor,
60 identifying information shall not be disclosed unless consent is
61 obtained from the adoptive parents or guardian or guardian ad litem
62 of the sibling.

63 ~~[(e)]~~ (f) Any information tending to identify any adult relative other
64 than a biological parent shall not be disclosed unless written consent is
65 obtained from such adult relative. The consent of any biological
66 parents common to the person making the request and the person to
67 be identified shall be required unless (1) the parental rights of such
68 parents have been terminated and not reinstated, guardianship has
69 been removed and not reinstated or custody has been removed and
70 not reinstated with respect to such adult relative or (2) the adoption
71 was finalized on or after June 12, 1984. No consent shall be required if
72 the person to be identified is deceased. If the person to be identified is
73 deceased, the information that may be released shall be limited as
74 provided in subsection (e) of section 45a-753.

75 ~~[(f)]~~ (g) Any adult person for whom there is only removal of custody
76 or removal of guardianship as specified in subsection (b) of section
77 45a-750 may apply in person or in writing to the child-placing agency,
78 the department, the court of probate or the superior court which has

79 the information. Such information shall be made available within sixty
 80 days of receipt of such request unless the child-placing agency,
 81 department or court notifies the person requesting the information that
 82 it cannot be made available within sixty days and states the reason for
 83 the delay. If the person making such request is a resident of this state
 84 and it appears that counseling is advisable with release of the
 85 information, the child-placing agency or department may request that
 86 the person appear for an interview. If the person making such request
 87 is not a resident of this state, and if it appears that counseling is
 88 advisable with release of the information, the child-placing agency,
 89 department or court may refer the person to an out-of-state agency or
 90 appropriate governmental agency or department, approved by the
 91 department or accredited by the Child Welfare League of America, the
 92 National Conference of Catholic Charities, the Family Services
 93 Association of America or the Council on Accreditation of Services of
 94 Families and Children. If an out-of-state referral is made, the
 95 information shall be released to the out-of-state child-placing agency
 96 or department for release to the applicant, provided such information
 97 shall not be released unless the out-of-state child-placing agency or
 98 department is satisfied as to the identity of the person.

99 Sec. 2. Section 7-51 of the general statutes is repealed and the
 100 following is substituted in lieu thereof (*Effective October 1, 2011*):

101 (a) (1) The department and registrars of vital [records] statistics shall
 102 restrict access to and issuance of a certified copy of birth and fetal
 103 death records and certificates less than one hundred years old, to
 104 eligible parties described in subdivision (2) of this subsection and the
 105 following eligible parties: [(1)] (A) The person whose birth is recorded,
 106 if over eighteen years of age; [(2)] (B) such person's children,
 107 grandchildren, spouse, parent, guardian or grandparent; [(3)] (C) the
 108 chief executive officer of the municipality where the birth or fetal death
 109 occurred, or the chief executive officer's authorized agent; [(4)] (D) the
 110 local director of health for the town or city where the birth or fetal
 111 death occurred or where the mother was a resident at the time of the

112 birth or fetal death, or the director's authorized agent; [(5)] (E)
 113 attorneys-at-law and title examiners representing such person or such
 114 person's parent, guardian, child or surviving spouse; [(6)] (F) members
 115 of genealogical societies incorporated or authorized by the Secretary of
 116 the State to do business or conduct affairs in this state; [(7)] (G) agents
 117 of a state or federal agency as approved by the department; and [(8)]
 118 (H) researchers approved by the department pursuant to section 19a-
 119 25.

120 (2) The department shall provide access to and issuance of a copy of
 121 a sealed original birth record or certificate marked with the same
 122 notation required for such records under subsection (c) of section 7-53,
 123 as amended by this act, to any person twenty-one years of age or older
 124 whose adoption was finalized on or after October 1, 2011, and for
 125 whom a new certificate of birth was established on or after October 1,
 126 2011, pursuant to section 7-53, as amended by this act, because of the
 127 adoption, or if the person is deceased, an authorized applicant, as
 128 defined in subparagraph (D) of subdivision (3) of section 45a-743,
 129 provided the department is satisfied as to the identity of the person or
 130 authorized applicant requesting the record or certificate.

131 (3) Except as provided in section 19a-42a and subdivision (2) of this
 132 subsection, access to confidential files on paternity, adoption, gender
 133 change or gestational agreements, or information contained within
 134 such files, shall not be released to any party, including the eligible
 135 parties listed in subdivision (1) of this subsection, except upon an
 136 order of a court of competent jurisdiction.

137 (b) No person other than the eligible parties listed in subsection (a)
 138 of this section shall be entitled to examine or receive a copy of any
 139 birth or fetal death record or certificate, access the information
 140 contained therein, or disclose any matter contained therein, except
 141 upon written order of a court of competent jurisdiction. Nothing in this
 142 section shall be construed to permit disclosure to any person,
 143 including the eligible parties listed in subsection (a) of this section, of

144 information contained in the "information for health and statistical use
145 only" section or the "administrative purposes only" section of a birth
146 certificate, unless specifically authorized by the department for
147 statistical or research purposes. The Social Security number of the
148 parent or parents listed on any birth certificate shall not be released to
149 any party, except to those persons or entities authorized by state or
150 federal law. Such confidential information, other than the excluded
151 information set forth in this subsection, shall not be subject to
152 subpoena or court order and shall not be admissible before any court
153 or other tribunal.

154 (c) The registrar of the town in which the birth or fetal death
155 occurred or of the town in which the mother resided at the time of the
156 birth or fetal death, or the department, may issue a certified copy of the
157 certificate of birth or fetal death of any person born in this state
158 [which] that is kept in paper form in the custody of the registrar. Such
159 certificate shall be issued upon the written request of an eligible party
160 listed in subsection (a) of this section. Any registrar of vital statistics in
161 this state with access, as authorized by the department, to the
162 electronic vital records system of the department may issue a certified
163 copy of the electronically filed certificate of birth or fetal death of any
164 person born in this state upon the written request of an eligible party
165 listed in subsection (a) of this section.

166 (d) The department and each registrar of vital statistics shall issue
167 only certified copies of birth certificates or fetal death certificates for
168 births or fetal deaths occurring less than one hundred years prior to
169 the date of the request, except as provided in subdivision (2) of
170 subsection (a) of this section.

171 (e) (1) With respect to an original birth record or certificate that was
172 superseded by a new birth certificate pursuant to section 7-53, as
173 amended by this act, and that may be made available pursuant to
174 subdivision (2) of subsection (a) of this section, upon request from the
175 person whose birth was recorded or a birth parent named in the birth

176 certificate, the department shall make available to each birth parent, or
177 the birth parent making the request, as the case may be, a contact
178 preference form prescribed in this subsection on which the birth parent
179 may state a preference regarding contact by the person whose birth
180 was recorded or an authorized applicant. Upon such request, the
181 department shall also provide the birth parent with a form on which to
182 record the birth parent's health history pursuant to subdivision (10) of
183 subsection (a) of section 45a-746, which the birth parent may complete
184 and return.

185 (2) The contact preference form shall provide the birth parent with
186 (A) a place to indicate whether the health history form has been
187 completed and returned, and (B) the following options from which the
188 birth parent shall select one:

189 (i) I would like to be contacted.

190 (ii) I would like to be contacted but only through an intermediary.

191 (iii) I do not want to be contacted.

192 (3) When the department receives a completed contact preference
193 form or a completed health history form from a birth parent, the
194 department shall attach the form to the adopted person's sealed
195 original certificate or record. The form shall be confidential and copies
196 shall only be provided to (A) the person whose birth was recorded or
197 an authorized applicant, and (B) the state registry pursuant to section
198 45a-755.

199 (4) Only a person authorized by the department to issue a birth
200 record or certificate under this section may process a contact
201 preference form and an updated health history form.

202 Sec. 3. Section 7-53 of the general statutes is repealed and the
203 following is substituted in lieu thereof (*Effective October 1, 2011*):

204 (a) Upon receipt of the record of adoption referred to in subsection

205 (e) of section 45a-745 or of other evidence satisfactory to the
206 department that a person born in this state has been adopted, the
207 department shall prepare a new birth certificate of such adopted
208 person, except that no new certificate of birth shall be prepared if the
209 court decreeing the adoption, the adoptive parents or the adopted
210 person, if over fourteen years of age, so requests. Such new birth
211 certificate shall include all the information required to be set forth in a
212 certificate of birth of this state as of the date of birth, except that the
213 adopting parents shall be named as the parents instead of the [genetic]
214 birth parents and, when a certified copy of the birth of such person is
215 requested by an authorized person, a copy of the new certificate of
216 birth as prepared by the department shall be provided, except as
217 provided in section 7-51, as amended by this act.

218 (b) Any person seeking to examine or obtain a copy of the original
219 record or certificate of birth, except an adopted person or an
220 authorized applicant who is eligible to obtain an original record or
221 certificate of birth pursuant to section 7-51, as amended by this act,
222 shall first obtain a written order signed by the judge of the probate
223 court for the district in which the adopted person was adopted or born
224 in accordance with section 45a-753, or a written order of the Probate
225 Court in accordance with the provisions of section 45a-752, stating that
226 the court is of the opinion that the examination of the birth record of
227 the adopted person by the adopting parents or the adopted person, if
228 over eighteen years of age, or by the person wishing to examine the
229 [same] birth record or that the issuance of a copy of such birth
230 certificate to the adopting parents or the adopted person, if over
231 eighteen years of age, or to the person applying [therefor] for the birth
232 certificate will not be detrimental to the public interest or to the
233 welfare of the adopted person or to the welfare of the [genetic] birth
234 parent or parents or adoptive parent or parents.

235 (c) Upon receipt of such court order, the registrar of vital statistics of
236 any town in which the birth of such person was recorded, or the
237 department, may issue the certified copy of the original certificate of

238 birth on file, marked with a notation by the issuer that such original
239 certificate of birth has been superseded by a replacement certificate of
240 birth as on file, or may permit the examination of such record.

241 (d) Immediately after a new certificate of birth has been prepared,
242 an exact copy of such certificate, together with a written notice of the
243 evidence of adoption, shall be transmitted by the department to the
244 registrar of vital statistics of each town in this state in which the birth
245 of the adopted person is recorded. The new birth certificate, the
246 original certificate of birth on file and the evidence of adoption shall be
247 filed and indexed, under such regulations as the commissioner adopts,
248 in accordance with chapter 54, to carry out the provisions of this
249 section and to prevent access to the records of birth and adoption and
250 the information [therein] contained in the records without due cause,
251 except as provided in this section and section 7-51, as amended by this
252 act.

253 (e) Any person, except such parents or adopted person, who
254 discloses any information contained in such records, except as
255 provided in this section or section 7-51, as amended by this act, shall be
256 fined not more than five hundred dollars or imprisoned not more than
257 six months, or both.

258 (f) Whenever a certified copy of an adoption decree from a court of
259 a foreign country, having jurisdiction of the adopted person, is filed
260 with the department under the provisions of this section, such decree,
261 when written in a language other than English, shall be accompanied
262 by an English translation, which shall be subscribed and sworn to as a
263 true translation by an American consulate officer stationed in such
264 foreign country.

265 Sec. 4. Section 45a-744 of the general statutes is repealed and the
266 following is substituted in lieu thereof (*Effective October 1, 2010*):

267 It is the policy of the state of Connecticut to make available to
268 adopted and adoptable persons who are adults (1) information

269 concerning their background and status; to give the same information
 270 to their adoptive parent or parents; and, in any case where such adult
 271 persons are deceased, to give the same information to their adult
 272 descendants, including adopted descendants except a copy of their
 273 original birth certificate as provided by section 7-51, as amended by
 274 this act; (2) to provide for consensual release of additional information
 275 which may identify the biological parents or relatives of such adult
 276 adopted or adoptable persons when release of such information is in
 277 the best interests of such persons; (3) except as provided in section 7-
 278 51, as amended by this act, with respect to original birth records and
 279 certificates, and subdivisions (4) and (5) of this section, to protect the
 280 right to privacy of all parties to termination of parental rights,
 281 statutory parent and adoption proceedings; (4) to make available to
 282 any biological parent of an adult adopted or adult adoptable person,
 283 including a person claiming to be the father who was not a party to the
 284 proceedings for termination of parental rights, information which
 285 would tend to identify such adult adopted or adult adoptable person;
 286 and (5) to make available to any adult biological sibling of an adult
 287 adopted or adult adoptable person information which would tend to
 288 identify such adult adopted or adult adoptable person.

289 Sec. 5. Subsection (c) of section 19a-42 of the 2010 supplement to the
 290 general statutes is repealed and the following is substituted in lieu
 291 thereof (*Effective October 1, 2011*):

292 (c) An amended certificate shall supersede the original certificate
 293 that has been changed and shall be marked "Amended", except for
 294 amendments due to parentage or gender change. The original
 295 certificate in the case of parentage or gender change shall be physically
 296 or electronically sealed and kept in a confidential file by the
 297 department and the registrar of any town in which the birth was
 298 recorded, and may be unsealed for viewing or issuance only as
 299 provided in section 7-51, as amended by this act, with respect to files
 300 on adoption, or upon a written order of a court of competent
 301 jurisdiction. The amended certificate shall become the public record.

302 Sec. 6. Subsection (b) of section 45a-750 of the general statutes is
 303 repealed and the following is substituted in lieu thereof (*Effective*
 304 *October 1, 2011*):

305 (b) Any person for whom there is only a removal of custody or
 306 removal of guardianship, and such removal took place in this state
 307 shall be given information [which] that may identify the biological
 308 parent or parents or any relative of such person, upon request, in
 309 person or in writing, in accordance with subsection [(f)] (g) of section
 310 45a-751b, as amended by this act, provided such information with
 311 respect to any relative shall not be released unless the consents
 312 required in subsection [(e)] (f) of section 45a-751b, as amended by this
 313 act, are obtained.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	45a-751b
Sec. 2	<i>October 1, 2011</i>	7-51
Sec. 3	<i>October 1, 2011</i>	7-53
Sec. 4	<i>October 1, 2010</i>	45a-744
Sec. 5	<i>October 1, 2011</i>	19a-42(c)
Sec. 6	<i>October 1, 2011</i>	45a-750(b)

Statement of Purpose:

To provide each adult adopted person with access to parental health information and information in the person's original birth certificate.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]